

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ARLYN P. ILDEFONSO,	)	
	)	
Petitioner,	)	4:13CV3110
	)	
V.	)	
	)	
BRIAN GAGE, Warden,	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
Respondent.	)	
	)	

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This matter is before the court on multiple motions filed by Petitioner.

Petitioner filed a Notice of Appeal (Filing No. [66](#)) on April 27, 2016. Petitioner appeals from this court’s Judgment dated March 21, 2016 (Filing No. [63](#)). (The notice appears timely under the “prison mailbox” rule.) Petitioner has filed a Motion for Leave to Appeal in Forma Pauperis. (Filing No. [67](#).) The court finds Petitioner is entitled to proceed in forma pauperis on appeal.

Petitioner has also requested the this court appoint counsel to represent him on appeal. (Filing No. [70](#).) This request should be made to the Eighth Circuit Court of Appeals. Therefore, it will be denied without prejudice to reassertion before that court.

Finally, Petitioner has requested an extension of time to file his motion for certificate of appealability with the Eighth Circuit Court of Appeals. Again, this relief should be sought directly from the Eighth Circuit. Accordingly, Petitioner’s Motion for Extension of Time (Filing No. [71](#)) will be denied without prejudice to reassertion.

IT IS ORDERED that:

1. Plaintiff’s Motion for Leave to Appeal in Forma Pauperis (Filing No. [67](#))

is granted.

2. Petitioner's Motion for Appointment of Counsel (Filing No. [70](#)) is denied without prejudice to reassertion before the Eighth Circuit Court of Appeals.
3. Petitioner's Motion for Extension of Time (Filing No. [71](#)) is denied without prejudice to reassertion before the Eighth Circuit Court of Appeals.
4. The clerk's office is directed to provide the Eighth Circuit Court of Appeals with a copy of this order.

DATED this 28<sup>th</sup> day of April, 2016.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge